

TAB

FMD 1095.1

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GSA ORDER

SUBJECT: Procedures for implementing section 102(2)(C) of the National Environmental Policy Act

1. Purpose. This order prescribes procedures for implementing section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190) with regard to the disposition of excess and surplus real property.
2. Background. Section 102(2)(C) of the National Environmental Policy Act directs all Federal agencies to identify and develop methods and procedures which will ensure that environmental amenities and values are given appropriate consideration in decisionmaking along with economic and technical considerations and to prepare a detailed statement on major Federal actions that significantly affect the quality of the human environment. Executive Order 11514 of March 5, 1970, Protection and Enhancement of Environmental Quality, reinforces the purpose and policy of this Act, and Interim Guidelines, implementing its provisions, have been issued by the Council on Environmental Quality. A copy of the Interim Guidelines is attached to this order for information and guidance.
3. Inspection. The realty officer, during his inspections of excess properties as required in the HB, Excess and Surplus Real Property 2-22 (FMD P 4000.1), shall give particular attention to any possible environmental problems that may be involved in the disposition of the property and solutions to such problems.
4. Disposals having no environmental impact. If the disposal of a particular real property is not considered a major Federal action significantly affecting the quality of the human environment so as to warrant an environmental statement, the regional FMS shall notify the Central Office, FMS, in writing immediately, which office, in turn, will so advise the Office of Environmental Affairs, AD.
5. Disposals having an environmental impact. If, through the inspection or any other source, the regional office determines that the disposition of the property constitutes a major Federal action significantly affecting the quality of the human environment, a special disposal plan shall be prepared immediately by regional FMS to prescribe the most economical and efficient method of disposition considered advantageous to the Government, giving due consideration to the environmental factors involved.

Distribution: A-1, 3, 4, 8, 10; B-1j, 3h, k, oo, 4, 8d, j, k, 10; C-3h2, p, 4f; D-4f; F; G-1, 3, 4, 8, 10; H-1a, 3e, i, 8b, d, 10a, b; I-311, 3, 8b2, d1, 2; plus figure 1.

Attachment

6. Special disposal plan.

a. Coverage and issuance. The special disposal plan shall pertain to all of the property reported excess and shall be based upon the relevant factual information contained in the Standard Form 118, Report of Excess Real Property, accompanying schedules, the inspection report, and any other available data. The plan shall give special consideration to environmental factors in relationship to the physical features of the property and the planned disposal.

b. Information to be included in the special disposal plan. The following information shall be included in the special disposal plan:

(1) Name, location, GSA control number, acreage, and date of the determination of surplus;

(2) Name of the component of the holding agency, date property is reported excess, and holding agency number;

(3) Acquisition cost;

(4) A brief descriptive and historical statement concerning the land and improvements since acquisition by the Government, including the date of acquisition, and the purpose for which it was originally acquired and was last used;

(5) A detailed analysis of any environmental factors relating to the disposition of the property, whether by transfer to other Federal agencies, disposal to State and local public bodies for public purposes, or sale or lease to the general public. As an incident to this analysis, the draft environmental statement, required by section 102(2)(C) of the National Environmental Policy Act in those instances where a potential environmental impact may result from the disposal of the property, shall be prepared by the regional PMDS and appended to the disposal plan. (Preparation of the draft environmental statement shall be accomplished in accordance with par. 7.);

(6) A division of the property into the following major types, according to its highest and best use based on economic factors:

(a) Property best suited for farming or livestock purposes;

(b) Single or multi-family dwelling units, the highest and best use of which is continued use in place or vacant land best suited as a site for such improvements;

(c) Warehouses, stores, office buildings, hotels and other commercial structures, or vacant land best suited as a site for such improvements;

(d) Improved property or vacant land which has been or can be used for: (a) Manufacturing, fabricating, or processing of products, (b) mining operations, (c) construction or repair of ships and other waterborne carriers, (d) power transmission facilities, (e) railroad facilities, and (f) pipeline facilities for transporting petroleum or gas;

(e) Any interest of the Government in property, the highest and best use of which is the development of known mineral deposits (Include surface areas only when designating minerals for removal by pit or excavation mining operations.); and

(f) Improvements consisting of buildings, structures, utilities, and miscellaneous facilities (These may include both surface and nonsurface utility systems, fences, and other severable betterments, but shall not include nonseverable betterments.).

(7) If, because of the environmental factors (see (5), above), it is determined that the property should be withheld from disposition or disposed of for other than its economic highest and best use, the consideration leading to that conclusion shall be set forth in detail. If it is determined that the property should be made available for disposition for its economic highest and best use but, because of the environmental factors involved, the disposal should be made subject to certain conditions or restrictions designed to minimize or eliminate any adverse environmental impact, the reasons underlying that determination likewise shall be set forth in detail in the special disposal plan.

(8) A list of the methods selected for the disposal of each type of property, i.e., transfer to another Federal agency; transfer (assignment) to the Department of Housing and Urban Development for conveyance to eligible applicants for low and moderate income housing; assignment to the Department of Health, Education, and Welfare for conveyance to eligible applicants for education or public health purposes; conveyance to State and local public bodies for airport, park, recreation, historic monument, or wildlife; sale; exchange; or lease (This listing will be based on the best information then available. Projected disposals for public use purposes will be subject to receipt and approval of applications from eligible local public bodies.);

(a) Show the land area for each method selected; indicate the type of real estate interest held in the land; describe the improvements; state the restrictions, reservations, and conditions of disposal; prorate acquisition cost; and indicate the fair market value (a rough estimate where an appraisal is not available); and

(b) Recite all pertinent facts and circumstances considered in making the selection of the methods of disposal including the economic and environmental factors considered; and

(9) An attached sketch showing major details, including a division of the separately marketable units when the method selected is for sale and a determination has been made that such division is likely to enhance competitive bidding (Include such supporting data as may be relevant and necessary for evaluating the actions proposed to be taken under the special disposal plan.).

7. Preparation of draft environmental statement.

a. The following points are to be covered:

(1) The probable impact of the proposed disposal action on the environment, including impact on ecological systems such as wildlife, fish and marine life. Both primary and secondary significant consequences for the environment should be included in the analysis. For example, the implications, if any, of the action on population distribution or concentration should be estimated and an assessment made of the effect of any possible change in population patterns upon the resource base, including land use, water, and public services, of the area in question.

(2) Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101(b) of the National Environmental Policy Act.

(3) Alternatives to the proposed action (section 102(2)(D) of the Environmental Policy Act requires the responsible agency to "study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources"). A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment should be included in the statement in order not to foreclose prematurely consideration in the Central Office of options which might have less detrimental effects.

(4) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This in essence requires assessment of the disposal action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

December 14, 1970

(5) Any irreversible and irretrievable commitments of resources which would be involved in the proposed disposal action should it be implemented. This requires the identification of the extent to which the disposal action curtails the range of beneficial uses of the environment.

b. With respect to water quality aspects of the proposed action which have been previously certified by the appropriate State or interstate organization as being in substantial compliance with applicable water quality standards, mere reference to the previous certification is sufficient.

c. Each environmental statement should be prepared in accordance with the precept in section 102(2)(A) of the Environmental Policy Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will ensure the integrated use of the natural decisionmaking which may have an impact on man's environment."

8. Distribution of copies of draft environmental statement.

a. Ten copies of the special disposal plan and the draft environmental statement shall be transmitted to the Central Office, PMDS. The Central Office, PMDS, after review and approval, will submit the necessary copies of the draft environmental statement to the Deputy Administrator for transmission to the Council on Environmental Quality.

b. The following actions will be taken immediately after transmission of the draft environmental statement to the Council:

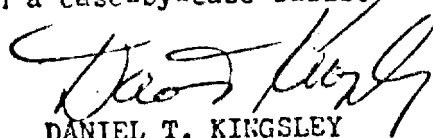
(1) The regional PMDS, on request of the Central Office, shall send copies of the statement to the Mayor of any appropriate city and to Federal, State, and local agencies for comment (see subpars. c and d, below). If State, regional, or metropolitan clearinghouses have been established, their comments also shall be requested. These officials, agencies, and organizations shall be given 30 calendar days to comment and shall be advised that if no reply is received within that period, it will be presumed that they have no comment to offer. The transmittal letters shall indicate that the draft environmental statement is based on the best information currently available; is subject to change in the event appropriate public use applications are not received or approved; and if no acceptable applications are received, the property may be offered for public sale.

(2) The Central Office, PMDS, will prepare letters for the signature of the Deputy Administrator soliciting comments relative to the draft environmental statement from the Governor of the State, the United States Senators from the State, and the United States representatives from the congressional districts involved. Copies of the comments received from these officials will be referred to the regional PMDS for use in drafting the final text of the environmental statement.

9. Preparation of final text of environmental statement. Any comments received from Federal, State, regional, or local officials shall be reconciled, where practicable, with the draft environmental statement through coordination with the particular agency concerned. The special disposal plan and the environmental statement shall be revised to reflect in its final text, when appropriate, the additional data and comments obtained from those agencies. In any event a discussion of problems and objections raised by other Federal agencies and State and local entities in the review process, together with the regional FMS recommended disposition of the issues involved, shall be appended to the final text of the environmental statement.

10. Distribution of copies of final draft. Ten copies of the final text of the special disposal plan and the environmental statement shall be submitted, as soon as practicable, together with 10 copies of each agency's comments, to the Central Office, FMS. The Central Office, FMS, after review and approval, will submit the necessary copies of the final text of the environmental statement to the Deputy Administrator for transmission to the Council on Environmental Quality.

11. Effect on existing procedures. To ensure that full consideration is given to all environmental factors in the disposition of real property, the above special procedures shall be followed in addition to the regular procedures prescribed in the Federal Property Management Regulations and the HB, Excess and Surplus Real Property (FPMR 4000.1), for such transactions. Normal disposition actions shall be continued except when other instructions are issued by the Central Office, FMS, on a case-by-case basis.



DANIEL T. KINGSLEY
Commissioner

Property Management and Disposal Service

Copies of this order are being furnished in the amounts indicated below for redistribution by the Chiefs, Real Property Division, to each FMS realty officer. Additional copies may be requisitioned in the usual manner.

Region 1 - 3

Region 6 - 6

Region 2 - 5

Region 7 - 5

Region 3 - 5

Region 8 - 1

Region 4 - 3

Region 9 - 10

Region 5 - 8

Region 10 - 10

Figure 1. Supplemental Distribution